

1 SENATE JOINT MEMORIAL 59

2 **49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010**

3 INTRODUCED BY

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10 A JOINT MEMORIAL

11 REQUESTING THE PUBLIC SCHOOL CAPITAL OUTLAY OVERSIGHT TASK  
12 FORCE TO STUDY THE CAPITAL IMPROVEMENT NEEDS OF CHARTER SCHOOLS  
13 IN A MANNER THAT IS CONSISTENT WITH THE SCHOOL DISTRICT  
14 PLANNING PROCESSES, INCLUDING A STUDY OF THE ISSUES INVOLVED IN  
15 DISTRIBUTING RECEIPTS FROM PROPERTY TAXES IMPOSED PURSUANT TO  
16 THE PUBLIC SCHOOL CAPITAL IMPROVEMENTS ACT AND THE PUBLIC  
17 SCHOOL BUILDINGS ACT IN A MANNER THAT IS CONSISTENT WITH THOSE  
18 ACTS AND EQUITABLE TO CHARTER SCHOOLS AND OTHER PUBLIC SCHOOLS  
19 IN THE SCHOOL DISTRICT.  
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21 WHEREAS, New Mexico has a vibrant system of public  
22 schools, including locally chartered charter schools and  
23 state-chartered charter schools that provide quality and choice  
24 in education for New Mexico students; and

25 WHEREAS, locally chartered and state-chartered charter

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1 schools have capital improvement needs similar to all other  
2 public schools; and

3 WHEREAS, all students in locally chartered, state-  
4 chartered and other public schools are public school students  
5 whose parents pay property taxes; and

6 WHEREAS, during the 2007 and 2009 legislative sessions,  
7 the legislature amended the Public School Capital Improvements  
8 Act and the Public School Buildings Act to require charter  
9 schools to be included in resolutions for taxes to be imposed  
10 under those acts; and

11 WHEREAS, those acts also require tax receipts to be  
12 distributed to locally chartered and state-chartered charter  
13 schools on a per-membership basis but are unclear about  
14 required ballot language, use of the receipts and the required  
15 planning mechanism for the capital needs of charter schools;  
16 and

17 WHEREAS, a study needs to be conducted to address these  
18 and other issues relating to the capital improvement needs of  
19 charter schools in a manner that is compatible with school  
20 district planning processes;

21 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
22 STATE OF NEW MEXICO that the public school capital outlay  
23 oversight task force be requested to study the capital  
24 improvement needs of charter schools in a manner that is  
25 consistent with the school district planning processes,

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1 including a study of the issues involved in distributing  
2 receipts from property taxes imposed pursuant to the Public  
3 School Capital Improvements Act and the Public School Buildings  
4 Act in a manner that is consistent with those acts and  
5 equitable to charter schools and other schools in the school  
6 district; and

7 BE IT FURTHER RESOLVED that the public school capital  
8 outlay oversight task force report its findings and  
9 recommendations to the governor and the legislature no later  
10 than December 15, 2010; and

11 BE IT FURTHER RESOLVED that copies of this memorial be  
12 transmitted to the public school capital outlay council, the  
13 governor, the public education department, the legislative  
14 council service, the legislative finance committee and the  
15 legislative education study committee.

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